

**Affidavit of Rabbi Mordechai Babad**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CONGREGATION RABBINICAL COLLEGE OF  
TARTIKOV, INC., RABBI MORDECHAI BABAD, RABBI  
WOLF BRIEF, RABBI HERMEN KAHANA, RABBI MEIR  
MARGULIS, RABBI GERGELY NEUMAN, RABBI  
MEILECH MENCZER, RABBI JACOB HERSHKOWITZ,  
RABBICHAIM ROSENBERG, RABBI DAVID A. MENCZER,  
RABBI ARYEH ROYDE, and KOLEL BELZ OF MONSEY,

07 Civ. 6304 (KMK)(GAY)

**AFFIDAVIT IN  
OPPOSITION TO  
DEFENDANTS'  
MOTION TO DISMISS**

Plaintiffs,

-against-

VILLAGE OF POMONA, NY; BOARD OF TRUSTEES OF  
THE VILLAGE OF POMONA, NY; NICHOLAS SANDERSON,  
AS MAYOR; IAN BANKS, ALMA SANDERS ROMAN,  
RITA LOUIE and BRETT YAGEL, AS TRUSTEES  
AND IN THEIR OFFICIAL CAPACITIES,

Defendants.

-----X  
STATE OF NEW YORK    )  
                                  )  
COUNTY OF ROCKLAND )

Rabbi Mordechai Babad affirms the following under penalty of perjury:

1. I am a plaintiff in this action. I will be the Dean of the Rabbinical College that will be built by Congregation Rabbinical College of Tartikov, Inc. in Pomona, New York. I also plan on residing there so I will be able to teach the students throughout the day and night, as required by our religious education program.

2. I am a full-time Rabbinical Judge and preside over cases at the Bais Din of Mechon L'Hoyroa in Monsey, New York. I am regularly consulted by *dayanim* worldwide at all times of the day and night on issues of Jewish law.

3. I do not “operate my own real estate company” or engage in any secular business.

4. For ten generations before me, my father, Rabbi Alexander Usher Babad, and his ancestors, served as Rabbinical Judges in their community in Tartikov, Poland.

5. After surviving the Holocaust, my father relocated to the Upper West Side of Manhattan and continued his service as a Rabbi and Judge first in Manhattan, and later in Brooklyn, New York.

6. Two of my brothers are also Rabbinical Judges.

7. Another brother of mine, Chaim Babad, is a businessman who believes very strongly in our religion, so he contributes financially, out of a feeling of religious obligation to the living and housing needs of those within the Jewish community, especially those seeking to extend their religious studies, including funding a Rabbinical College in Brooklyn, where my brother, Rabbi Naftali Babad, has been the Dean since 1980. Chaim Babad will also fund the Rabbinical College in Pomona, New York.

8. After the war, when my family and others relocated to the United States, it was a matter of great concern to the Jewish community that there were few Rabbinical Judges left in the world and no place to educate a new generation of Rabbinical Judges in the United States. My father and other religious Hasidic Jewish leaders and scholars, including Rabbi Ezreil Tauber, discussed the dire need for educating the next generation of Rabbinical Judges. In 1976, Rabbi Ezreil Tauber established Mechon L'Hoyroa in Monsey, New York, to provide the

education needed to be a Rabbinical Judge. It was the first school of this type in the United States and continues to exist to this day. It is also filled to capacity.

9. I was privileged to be one of the first students to attend this new school where other Rabbis and I continued our studies to become Rabbinical Judges. There were approximately twenty Rabbis in my class. Most were the sons of scholars who had immigrated to the United States after the war. The Rabbis entering the program already had an extensive knowledge of the first two volumes of the *Shulchan Aruch*. The goal of this additional education was to learn in depth the second two volumes of the *Shulchan Aruch*, which few *dayanim* study. These two volumes concern complex religious laws governing relationships between individuals. In accordance with the Jewish law, a certified Rabbinical Judge must know and understand these complicated texts, display a proficiency in specific materials, and participate in an internship, learning from experienced qualified Rabbinical Judges. I believe that a minimum of fifteen years is required to have sufficient knowledge of religious law to be a Rabbinical Judge.

10. The curriculum of the Rabbinical College will focus on the four volumes of the *Shulchan Aruch*. There will be no formal Talmudic studies. The students who enter the college will have already studied the Talmud in their yeshivas.

11. We do not test the students and will not deny entry to a student who may not yet have demonstrated the necessary abilities to study at the Rabbinical College. In our tradition, the college provides the students with the opportunity to demonstrate whether they are capable of achieving the goal of becoming a

Rabbinical Judge. This will be evident within a few months, and a student who cannot succeed will be dropped.

12. Plaintiffs Margulis, Neumann, Heshkowitz, Rosenberg, Royde, and both Menczers have been accepted into the Rabbinical College's program and will begin their studies when it becomes operational.

13. While a student at the school for Rabbinical Judges at Mechon L'Hoyroa, I studied approximately 12-15 hours a day. Classes usually began at 5:00 am and were conducted in four sessions, broken up by prayer services throughout the day with breaks for breakfast, lunch and dinner. Prayer services followed the last study session after dinner. Classes ended earlier on Fridays for Shabbos, and resumed early Sunday morning.

14. It took me approximately 15 years to complete the program to become a Rabbinical Judge. I received a *smicha* (certification) from various highly respected Rabbinic sages.

15. As a Rabbinical Judge, as articulated in the Jewish tradition, I counsel members of the Jewish community regarding the proper application of the Jewish laws so that they can live their lives in proper adherence of their religious beliefs. In addition, I preside as a Justice in religious courts where I hear disputes concerning all areas of Jewish life including monetary and marital issues. I believe, as did my ancestors, that religious scholarship and community service are how we best utilize our individual potentials to live a religious life in accordance with our religious beliefs.

16. As a Rabbinical Judge, I hear cases throughout the day and often during the evening hours. I accept phone calls throughout the night to handle questions from all over the world. Although our *Bais Din* hears cases as soon as possible, sometimes it can take many months before a case can begin.


17. The small program for Rabbinical Judges at Mechon L'Hoyroa is full to capacity and has no room for additional students. The students have the opportunity to observe our *Bais Din* proceedings and learn from interaction with me and the other judges. I also am a resource for the group of students who are members of the Congregation Rabbinical College of Tartikov and are studying at Kolel Belz of Monsey. They will be part of the first class at the new college when it is built.

18. The training of qualified Rabbinical Judges is essential for our Jewish community to continue to live according to our religious beliefs. My role as Dean of the Rabbinical College of Tartikov is to educate the next generation of Rabbinical Judges to serve the Jewish community in accordance with our religious laws and beliefs, as prescribed in our ancient texts.

19. I affirm pursuant to my religious beliefs.

  
Rabbi Mordechai Babad

Affirmed before me this 10<sup>th</sup>  
day of January, 2008

  
Notary Public

Michael Tauber  
Notary Public, State of New York  
No. 01TA5069580  
Qualified in Rockland County  
Commission Expires November 25, 2010